

Royal Academy
RASH BEHARI GHOSE

A SKETCH OF HIS LIFE AND CAREER

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SIR RASH BEHARI GHOSE.

INTRODUCTORY.

DR. Rash Behari Ghose, C.I.E., is one of the most distinguished men of our time. His ardent patriotism, his subtle intellect and his sturdy independence have combined to make him one of the greatest and truest leaders of Indian Society.

EARLY LIFE.

Dr. Rash Behari Ghose was born in an obscure village named Torekona, in the well-known district of Bardwan, in 1845. His father, Babu Juggobul Ghose, held a respectable position in life and belonged to what is generally termed 'the middle class' in India. Being the eldest son of his father, he received all the educational facilities that his father could afford him. Young Ghose received his schooling in the town of Bankura. From the High School of that place, he went up, at the age of sixteen, for the Entrance Examination of December 1860. He passed it and was placed in the second division. There is no doubt that this was a great success; at any rate his subsequent career makes one think so. When the Entrance list was due, according to one version, to a circumstance that must be well within the experience of many a student all over India. The School to which he belonged, it is

said, contained, in the year in which he applied, no student in the Entrance Class fit to be sent up for the Examination. Young Ghose, whose intellectual preeminence had already made a great impression upon his teachers, was selected to fill up the gap and was accordingly sent up a year before his regular time, to represent his School at the Examination.

HIS BRILLIANT STUDENT CAREER.

From Bankura, Ghose removed to Calcutta early in 1861 and there joined the Presidency College to prosecute his further studies. At that time, the Presidency College was under the control and guidance of Mr. T. Sutcliffe, one of the greatest educational officers that ever came out to India. Ghose applied himself hard to his studies and in the First Examination in Arts, in December 1862, he topped the list of successful candidates. He shone brilliantly in the B.A. Degree Examination in January 1865. Exactly a year after that, in January 1866, he went up for and passed the M.A. Examination in English with first class honours, he being the first Indian to obtain that much-coveted degree. In the ensuing year, 1867, Ghose passed in the first Class the B. L. Degree Examination and as the best successful candidate for the year he received a gold medal worth Rs. 100.

HIS WIDE READING.

Strenuous as was his career as a student, Ghose never appears to have thrown away a single hour that he could have profitably utilised in the acquisition of useful knowledge. The intervals

between College lectures and public examinations, to which he paid the attention required of him, he devoted to the study of the immortal classics of the English language, which had already become his favourite study. His irrepressible love for poetry made him wander into foreign authors, though only in their English guises. He is quite familiar with Heine and Goethe. Shakespeare, which has delighted so many generations of Indians young^e and old, he almost knew by heart while yet at College. Down to this day, his language, whether in his public writings or speeches, is thoroughly saturated with Shakespearian idioms and expressions. Milton too appears to have attracted him in his earlier days. The Biblical ring of several of the phrases he most commonly uses, he appears to owe to these two great masters of English language. During this time too, young Ghose applied himself diligently to a thorough study of English, European and Indian histories. He is a thorough master of the writings of Maine and Pollock and is a great admirer of Mathew Arnold and Walter Bagehot. One thing that appears to have considerably helped him in the acquisition of so much knowledge that has stood him in great stead ever after in his life, was his wonderful memory. It is said that his memory is so tenacious and capacious that he hardly feels the necessity for traversing the same ground twice.

HIS COMMAND OF ENGLISH.

His style, now so well-known for its easy flow and biting sarcasm, was formed on the model of his favourite authors and during his College days

attracted the attention of the Principal and Professors of the Presidency College at Calcutta. The *Englishman*, a Calcutta newspaper thus described his great command of the English language:—

“Those that had occasion to come in close contact with the illustrious object of this sketch will bear ample testimony to the fact that Dr. Ghose's knowledge of the English language is equally profound. His speeches delivered either from his seat in the Legislative Council or from the Congress platform were always couched in the finest language and must find place side by side with the utterances of the best English scholars. His epoch-making book on the Law of Mortgages in India is written in a style which can safely be compared with the style of the best writers in the English language. In fact Dr. Rash Behari Ghose is both a scholar and a lawyer and decidedly heads the list of those men who have made any mark in speaking and writing the English language in the country.”

FIRST YEARS AT THE BAR.

Mr. Ghose was enrolled as a Vakil of the High Court of Calcutta on the 5th February 1867, when he was but 22 years of age. At that time, the appellate side of the Calcutta Bar was led by the great and good man equally eminent as an Advocate and as a Judge—the late lamented Justice Dwarkanath Mitter. Mr. Mitter was attracted to the young man, whose reputation as a distinguished student at the Presidency College had preceded his advent to the bar, and took a kindly interest in him. But Mr. Dwarkanath Mitter was not long after elevated to the Bench, which he was destined to adorn only for a very short time. His untimely death made India greatly

the poorer and Rash Behari still worse. As has been the case with many others both since and before, the young lawyer, left to himself without any adventitious aid to bring him to the front, had to wait patiently before success came to him at the bar. In fact he did not fare better during the first years of his professional career than scores of others who join the profession of law without his great qualifications. He had his struggles and moments of despair like most others but he never lost heart. He stuck tenaciously to his work and fought every inch of ground in that uphill journey which brought him at last to the site of the promised land. He has a word of advice to give to young men during this, the most trying period in their professional career. He says in a passage which is distinctly autobiographical :—

"He knoweth not the law who knoweth not the reason of the law," is a saying which the student should always bear in mind and you will pardon me if I venture to affirm what is now accepted almost as a truism, that a careful study of general principles as illustrated in different systems of law, will not be wholly useless to you, when you enter upon the practical duties of the profession. It may not be given to every one of us to attain high forensic skill, but depend upon it, the time given to a scientific study of law is never wholly thrown away; for legal practice is not a thing apart from legal science. I must, however, warn you that laborious days are not always crowned with riches or honour, for the race is not to the swift, nor the battle to the strong, and professional distinction may be won in more ways than many of you perhaps imagine. But a higher guerdon awaits those who pursue learning for its own sake: and I invite you to join that noble band to which so many are called and so few chosen: for the dust of

daily life tends to deaden those finer sentiments to which life should owe its savour. I do not by any means ask you to live in cloistered seclusion, detached from the world and all its pursuits, but do not be too eager in the chase for money, position or power. For believe me, you cannot fall into the habit of prizing, low and gross ideals without suffering deterioration in your intellectual as well as moral fibre. Learn, therefore, betimes to labour and to wait; and if you are ever tempted to join in the fierce hunt after the vulgar prizes of the world, remember that after all the successful man as he is called is not unfrequently,

A poor player

That struts and frets his hour upon the stage,
And then is heard no more.

He advised his students to do what he had himself actually done while a junior at the bar. He applied himself laboriously to that "scientific study of the law" that he recommended to his students afterwards. Thus it was during this period that he laid up that store of legal knowledge that has ever commanded the admiration of both the bench and the bar for him. Though fortune smiled upon him somewhat late in his life as a professional man, yet when she did, his accumulated knowledge of law helped him in his material prosperity. He studied carefully, and scientifically, not only the Hindu and Mahomedan laws but also the laws of England and of other countries with an avidity that was truly remarkable for a young man of his age. He was, and is ever known to be, fond of the comparative study of Law and what a vast amount of reading he has done to attain his object is apparent from his published work. His knowledge of case law is

profound and of the technicalities of English law he is a past master. After nearly four years of hard work, he presented himself, early in 1871 for the Honours in Law Examination of the Calcutta University. He passed it creditably the same year.

APPOINTED TAGORE LAW LECTURER.

Four years later (1875-1876) he was selected to deliver the Tagore Law Lectures. He chose for his subject *The Law of Mortgage in India*, a most complicated subject which he had studied with great care and diligence both as a practical lawyer and as a jurist. The twelve lectures he then delivered were collected together, and republished by him for public use immediately after they were delivered in 1876. This is the "monumental work" known as *The Law of Mortgage in India*. The work has passed through three different editions and is well-known to legal practitioners all over India as a most scholarly and erudite work, deeply suggestive, and wonderfully searching. Throughout Mr. Ghose shows in it his profound knowledge of Roman, American and other foreign system of jurisprudence. Often it is delightful to read how fond he is to trace up the doctrines of modern law to their origins in Roman usages and feudal ideas. He quotes Hindu texts of law now and again and comments upon them. His second lecture on "Hindu and Mahomedan Law of Mortgage" traces historically the development of the Law of Mortgage as worked out by these systems of jurisprudence. He applies with great learning and judgment the

comparative method of Maine to those systems of law. He agrees with those who maintain that the Hindu texts of law, "although sometimes placed side by side, are of various antiquity,—a circumstance which, he adds, "must be carefully borne in mind by the student of Hindu law." "Whatever truth there may be" he again says, "in the reproach that the Hindus are an unprogressive race, even the most careless student of our law must admit that the charge must be received with considerable reservation. Hindu Law is, no doubt, archaic, but there are portions of it which furnish unmistakable evidence of maturity"—an opinion which has the strength of that not very friendly critic of India and Indians, Sir Henry S. Maine. In regard both to the matter and the manner of presenting it, the work will bear comparison with the best English and continental works on law. His diction is chaste, and his comments pointed, though not unfrequently caustic. For example, take the following paragraph:—

In Madras, however, the doctrine that registration is notice is treated as an American heresy, which must be carefully eschewed by all orthodox followers of the English Law. The learned Judges refuse to enter upon what they call the 'abstract question' of the expediency of the rule though they admit that "much is to be said on both sides," a sentence which involuntarily reminds one of a well-known paper in the *Spectator*.

The quaint humour which here unsuspectingly comes in, characterises the man both as a writer and as a public speaker. The work has deservedly become a classic on the subject of Mortgages in

India and is referred to with great respect both by the bench and the bar all over India. Indeed, it may be said, that there has not been decided in India any important question of mortgage in the adjudication of which Mr. Ghose's work has not been referred to with the respect that is due to it. Nor has there been any great case on mortgage in Bengal in which he has not been retained. He has, in fact, been recognised as a great authority, if not the greatest living authority, now on the Law of Mortgages in India. His lectures are originally written when the Law of Mortgages had not yet been codified in India and the demand for the book was so very great that the first edition was rapidly exhausted. Dr. Whitley Stokes, author of the well-known *Anglo-Indian Codes*, thus acknowledges, in a well-known passage, the help he derived from Mr Ghose's lectures when codifying the law relating to Mortgages in India :

I take this opportunity to acknowledge the help obtained in drawing Chapter IV of the Transfer of Property Act from the work of another (he is referring to the able judgments 'of the Hindu Muthuswami Aiyar and the Mahomedan Sayyid Mahmud) acute and learned native lawyer, Rash Behari Ghose.

Knowing as we do the success of Indians both on the bench and at the bar, it is not surprising to see Dr. Stokes saying that "for the subtle races that produce such lawyers (and here he instances Mr. Ghose) no legal doctrine can be too refined, no legal machinery can be too elaborate."

JUDGE-MADE LAW IN INDIA.

Before leaving this part of the life of our illustrious countryman, we must refer to his mature

views about the turn that legal usage takes under the guidance of Anglo-Indian Judges. In a remarkable passage in his great work, Mr. Ghose thus delivers himself ;

Apart from the inherent defects of all judge-made law in every country, there is special danger in India of our being gradually anglicised. The warning, I believe, was first given by Macaulay and has since been frequently respected by his successors. But some of our judges still seem to think that the rules of justice and good conscience, which are to be their guide, can only be found in the English Chancery Reports—'the well of equity undefiled.' Large masses of English law have consequently found their way into our system, a process of filtration which is still going on and which can only be arrested by codification.

SCIENTIFIC STUDY OF HINDU LAW.

The following two passages we quote to bear out what we have said above about Mr. Ghose's ideas on the scientific study of Law and in particular, of the facilities that our mother-land affords for prosecuting it :

If therefore we wish to study law as a science, we must begin with its earlier history comparing the form of a legal idea or usage at any given time with the earlier type out of which it grew, together with the shape which it assumes in advanced jurisprudence. The study of legal history thus pursued can never, I repeat, be either dull or useless, and the writings of Sir Henry Maine and Sir Frederick Pollock have invested the subject with a charm which can be appreciated even by the most careless reader. In such delightful company the student need not painfully walk to the shrine with pass in his shoes and a hair shirt on his back—the fate of many generations of students whose pilgrim steps were guided only by dull digests and equally dry abridgments and to whom

Coke's 'gladsome light of jurisprudence' must have seemed a light that never was on sea or land.'

It is hardly necessary to point out that legal antiquities ought to engage our special attention as India offers a rich and varied field for such enquiries. The harvest has long been ripening for the sickle, but as yet, to our reproach the reapers are few in number, and that wealth of materials which should be our pride is now our disgrace. It seems we have yet to learn that institutions do not wear on their sleeve the secret of their origin which can only be won by patient research and laborious induction. Of speculation there is no end, but I fear we make too little use of the historic method, one of the choicest gifts which we have received from the West, where, some of you may be aware, it has created a wholesome ferment in modern thought, dangerous only to decaying belief and time-worn formulæ."

Surely, it cannot be said that Mr. Ghose minces matters when strong words have to be used against his own countrymen. That shows his inherent sincerity of purpose.

HIS SUCCESS AT THE BAR. •

The publication of his Tagore Lectures roughly marks the commencement of Mr. Ghose's professional success. And, indeed, to a man of his great attainments, it cannot long be in the coming. About the year 1876, the older leaders of the bar in Calcutta had either been translated to the bench or had, through growing infirmities of age, or death, been removed from the sphere of their activities. Young Ghose, who had by then made a name for himself by his scholarly work, at once attracted the notice of the litigant public and soon attained an eminence in the profession that was really marvellous. So rapid, indeed, was his

success at the bar from about this time, that his professional work left him but little time for anything else.

Mr. Satya Chandra Mukerji, who knows him well, thus describes Mr. Ghose, the lawyer:—

“It goes without saying that for the last twenty years Dr. Rash Behari Ghose had been able to command his terms and had the pick of practice and clients. He is justly considered to be able to hold his own against such renowned leaders of the Calcutta bar as the late Sir Charles Paul, the late Sir Griffith Evans, Mr. Woodroffe or Mr. W. C. Bonnerjee and he has therefore enjoyed for many years a practice on the appellate side of the Calcutta High Court which has probably not fallen to the lot of any of his countrymen since the day of Dwarka Nath Mitter. It is a delight to hear an important argument of Dr. Rash Behari Ghose. He speaks in a chaste and scholarly style and he has his precedents both English and Indian at his finger's ends always ready for use. He is a very strenuous advocate when he is convinced in his own mind that he is in the right, but he is always eminently fair to his adversary and always candid in his relations to the bench. He likes to argue questions of law more than questions of fact, and although his arguments on issues of facts are very able, he is seen to his best advantage when putting his construction on some difficult, perhaps somewhat obscure, section of some Indian enactment and applying its provisions to the concrete facts then before the Court. His delivery and features are far from being perfect, but the substance of what he says is probably superior to that which any of his countrymen in the same profession is capable of saying on the same question.”

It may be said without fear of contradiction that, with the possible exception of Sir V. Bhashyam Aiyangar, modern India has not given birth to a lawyer more profound than Mr. Ghose. And, indeed, there is at the present moment not

a single individual in the whole country who, as Sir Harvey Adamson, the father of Sedition Act, was pleased to observe in the Viceregal Council, does not "bow to the learned doctor's superior knowledge of law."

CONNECTION WITH THE CALCUTTA UNIVERSITY.

Success at the bar brought Mr. Ghose both money and honour—sufficient even to satisfy a man of his ambition. In 1877, he was for the first time appointed an Examiner for the B. L. Degree Examination.

Two years later, in 1879, he was, on the proposal of Sir William Markby, the jurist, that great friend of India, then Vice-Chancellor of the Calcutta University, appointed a Fellow of his old University. That was the commencement of an active connection with that University which he yet maintains intact. In 1884, he received the Degree of Doctor of Laws from the same University, when Lord Ripon was its Chancellor. In 1887, he was elected a member of the University Syndicate, a position that he retained till 1899.

MEMBER OF COUNCIL.

In that year he was appointed to the Bengal Legislative Council. In 1891, he was selected by Lord Lansdowne to fill the vacancy in the Supreme Legislative Council caused by the deeply lamented death of Sir Romesh Chandra Mitter. His work during this short period of three years, as will be seen presently, was so beneficial both to Government and the people, that Lord Elgin, the successor of Lord Lansdowne, re-appointed him to the Council for another term of three years. In

the same year (1893) Dr. Ghose was elected President of the Faculty of Law of his old *alma mater* and continued in that august position till 1895.

HIS WORK IN COUNCIL.

His work in the Imperial Legislative Council deserves detailed mention here inasmuch as it embodies the constructive work of our distinguished countryman in that assembly. It naturally divides itself into three parts : (1) Bills with which he was actively connected in the Committee Stage ; (2) Bills which he was instrumental in introducing into Council and finally getting them passed ; (3) Interpellations in Council ; and (4) Budget Speeches.

We take these *seriatim*.

It would be too tedious to mention the numerous Bills with which Dr. Ghose was connected when they were referred to the Select Committees appointed to thresh them out. Suffice it to say that from the moment he took his seat in the Supreme Legislative Council on the 15th January 1892 to the day he ceased his connection with it by efflux of time, he was put on almost every important measure that was brought before the Council for consideration. To name only a few, he was on the Select Committees appointed to report on the Indian Bankruptcy Bill in 1892 ; the Madras Small Causes Court Bill, 1892 ; the Court of Wards Act (1879) Amendment Bill, 1892 ; the Bengal Military Police Bill, 1892 ; the Inland Emigration Act (1882) Amendment Bill, 1892 ; the Land Acquisition Act (1870)

Amendment Bill, 1894, in the passing of which he subsequently evinced considerable interest; the Presidency Small Causes Courts Act (1882) Amendment Bill, 1894. the Prisons Bill, (1894) the Prisoners Act (1871) Amendment Bill; the Indian Stamp Act (1879 Amendment Bill, 1894; and the Code of Criminal Procedure (1882) Amendment Bill, 1894. In the consideration in Committees of these several Bills, he was associated with men like Sir Philip Hutchins, Sir Antony McDonnell, Sir Alexander Miller, Sir William Lee-Warner, Sir John Woodburn, Mr. Chentsal Rao, Mr. Madhav Rao, Chitnavis and many other distinguished men both Indian and Anglo-Indian.

INDIAN EMIGRATION BILL.

One of these bills, the Indian Emigration Bill, evoked considerable comment at the time both in and outside the Council. He strongly supported Mr. Chentsal Rao, when he moved an amendment raising the age limit to contract penally from 16 to 18, thus bringing the law in harmony with the ordinary civil law. The Council was abundantly convinced of the soundness of the reasoning adopted by him and his honorable friend, but the amendment had eventually to be withdrawn owing to a previously existing law in Assam which was believed to come into conflict with the present one, if the amendment were accepted. He himself moved an amendment for obtaining initial registration of coolies. He made, in proposing it, a long and vigorous speech, combating the theory of the Government that that

amendment of his contravened with the principle of free emigration. The whole speech is a model of close and cool argumentation against the phalanx of official opinion that was against him.

HIS TWO PRIVATE BILLS.¹

In the years 1892 and 1893, Dr. Rash Behari Ghose introduced two Bills in the Supreme Legislative Council which with the hearty approbation of both the official and non-official members of Council, became law. The first of these was the Partition Bill which he begged leave to introduce into the Council on the 25th March 1892, and which eventually became the Partition Act, No. IV of 1893, an Act that yet stands on the Indian Statute Book. This Bill sought to remove certain acknowledged evils in the then existing Law of Partition. Not infrequently perverse members of joint families endeavoured to obtain a division in specie of their ancestral property, which in consequence was practically ruined by them. Again not less often strangers got into possession of ancestral dwelling-houses by purchase from co-sharers and thus gave considerable trouble and annoyance to the other members of the family. Both these evils had taken an acute turn at about the time. Dr. Ghose moved for an amendment of the existing law, and he did this in a speech that is at once simple, forcible and to the purpose. After commenting upon the cumbrous procedure then existing in regard to partition of property, Dr. Ghose thus dilates for a moment on the very cautious character of his Bill :—

"In England, as I have already pointed out, the old procedure has been in a very large measure rendered obsolete by legislation. In this country, owing to the division and sub-division of landed property which is constantly taking place under the Hindu and Muhammadan laws of inheritance, the evil from one point of view is undoubtedly much greater; but the strong attachment of my countrymen to landed property, especially when it is ancestral, should make us extremely cautious in replacing in any particular case the usual remedy of an equal partition by a sale of the property and a division of the proceeds. Whether the sentiment which animates my countrymen is economically wise or not I need not pause here to discuss. I will only say that a man does not live by political economy alone. The Hudibrastic rule is not the measure of all things, and there are currents of thought and feeling deeper than any ever sounded by the economist's plummet. Speaking for myself, and as a Hindu, I am bound to say that I fully sympathise with the sentiment which attaches us to our landed possession and should be sorry to see it disappear. It is a healthy sentiment and furnishes one of the best securities for the maintenance of law and order. Moreover, as we all know, laws must be adapted to the habits of society when not manifestly injurious to others, and should not aim at remoulding such usages or habits even when they are the result of blind prejudice. We cannot therefore proceed too warily, and accordingly the power with which it is proposed to invest the Court is given subject to very stringent conditions, and only to the extent necessary to meet an acknowledged evil. These conditions are (1) that the property cannot conveniently be divided; (2) that it would be more beneficial for the parties that it should be sold; (3) that at least one-half the share holders must concur in the sale. But, in order to prevent the possibility of a request for sale being made on inadequate grounds or from improper motives, provision is made for the compulsory transfer of their shares by the parties who desire a sale to the other shareholders at a valuation to be made by the Court. But, even when all these conditions exist, a large measure of discre-

tion is left to the Court, which I trust, will never be crystallized into a cluster of rigid rules.

"The result, therefore, is that, although the Court would be wholly unable to sell the property in the absence of any of the conditions imposed on the power, it may refuse to do so notwithstanding the existence of all these conditions if in the exercise of a sound discretion it is of opinion that no sale should take place in any particular case. I venture to think that with these safeguards, the measure, while meeting an acknowledged evil, cannot fairly be charged with introducing any serious innovation, or with encroaching in any degree on the rights of persons holding property in common. The question is one really of procedure, and the present Bill will merely affect the mode of relief and nothing else. Indeed even under the present practice, when the Court gives compensation in money by way of equality of partition, it really makes a transfer of a part of the property, although the transaction is disguised under a slightly different name. The present Bill is only an extension of this practice to some very exceptional cases in which, in the absence of such a law, the common property might be destroyed or rendered comparatively valueless. I ought to add that it is a great satisfaction to me to find that the fathers of Hindu law who shaped out and elaborated our jurisprudence anticipated by several centuries the improvement only recently grafted on the old Chancery practice in England.

That is enough to show what a cautious reformer Dr. Rash Behary Ghose is. An acknowledged evil must be removed; but, so far as is possible, without disturbing the good that may be inherent in the system which has given birth to it. The careful reader will see how anxious Dr. Ghose is to secure the hearty co-operation of his own countrymen in a matter affecting their own common weal. He would convince them of the necessity of what he would fain

do for them and, then, he would ask for their willing aid in carrying his proposal through. No true reformer of Hindu Society can fail to appreciate the worth of these wary steps of the cautious lawyer. He thus explained the other provision of the Bill :—

The only other section of the Bill to which it is necessary to call attention is section 4, which compels a stranger who has brought a share of a dwelling-house belonging to an undivided family to transfer it to the members of the family if they undertake to buy it upon a valuation to be made by the Court. To those who are familiar with the habits, usages and feelings of my countrymen, I need hardly say that the intrusion of a stranger into the family dwelling-house is regarded as nothing short of a calamity. The mischief has been remedied to a certain extent by section 44, paragraph 2, of the Transfer of Property Act, an enactment which recognises—and, if I may say so, very properly recognises—the truth of the poet's saying, not always perhaps borne in mind; that 'right too rigid hardens into wrong.' In conclusion, I will only say that, although it is somewhat rash to make any general assertions, I trust I may safely affirm that whatever hostile criticism may be levelled against the other parts of the Bill a provision which protects the family dwelling-house from the intrusion of a stranger into any portion of it will be welcomed as a boon and a blessing by my countrymen of every creed and of every shade of opinion."

The motion that the Bill as amended be passed was put and carried.

THE BILL TO AID JUDGMENT-DEBTORS.

The Second Bill he carried through the Legislative Council was one intended to aid the unfortunate judgment-debtor who was, under the old law, compulsorily ousted from his immovable

properties at the instance of his creditors. The principle of the remedy he proposed is the same as embodied in section 174 of the Bengal Tenancy Act; in fact the Bill simply extended the principle of that Act to all judgment debtors. The framers of that Act for the first time introduced a provision enabling a tenant to redeem his property by paying into Court within a certain period the amount of the judgment-debt, and in addition a sum equal to five per cent. of the purchase money to be paid as a bonus to the purchaser. "This provision," said Dr. Ghose, seems to me a very equitable one, as the creditor gets his money and the purchaser a bonus of five per cent. on his purchase money."

He thus pleaded the cause of the judgment debtor in general :—

"It is true we are sometimes told that the difficulties of a creditor, according to a famous saying of Sir Barnes Peacock, only begin after he has received his judgment. But I need hardly say that all judgment-debtors are not dishonest, and that some of them at least are more sinned against than sinning. Improvidence, it is true, is the badge of all their tribe, but there is a general impression, not perhaps wholly unfounded that they are not seldom made to pay too dearly for their want of foresight and business habits. I need hardly add that the compulsory sale of land for the payment of debts is not generally regarded with much favour by the people, and the way in which it is frequently carried out is certainly not likely to reconcile them to such sales. The moment the hammer falls and the property is knocked down to the highest bidder, the gates—I will not say of justice but of mercy—are shut on the unfortunate owner. He may not redeem the land at any price, although he can apply to set the sale aside under a

provision in the Code which is to him what the straw in the proverb is to the drowning man and is about equally useful."

The Bill was received by the Council and the local officers favourably. The learned Judges of the High Court of Calcutta approved of its excellent provisions. In speaking of the Bill, Sir John Edge, then Chief Justice of Allahabad said "the sooner it becomes law the better."

When the Report of the Select Committee came on for discussion in 1894, the late Sir. (then Mr.) William Lee-Warner moved that the Bill as amended be republished and thus sought to hang up the Bill indefinitely. Dr. Ghose vigorously combated this motion in a speech that completely cut the ground under the feet of the Hon'ble mover. The Hon. Mr. Lee-Warner was forced to withdraw his amendment and Dr. Ghose's Bill became law.

Thus was passed the Code of Civil Procedure and Indian Limitation Act (1877) Amendment Bill. For it and for the Partition Act, his countrymen owe a deep debt of gratitude to Dr. Ghose. One word more must be added, before we conclude. The manner in which he introduced, piloted and carried out these two Bills, makes us think ill of the prejudice that prevents men like him from being appointed to the post of Legal Member of the Supreme Council in India.

THE INDIAN TARIFF BILL.

Another Bill in which Dr. Ghose took an active part was the Indian Tariff Bill. On

the Select Committee's Report coming on for consideration on 10th March 1894, it was found that the Bill excluded from the tariff the imports of cotton fabrics, yarns and thread. The Hon'ble Mr. Playfair, the Mercantile Member of Council, moved an amendment that the Bill be recommitted to the Select Committee and in doing so referred to the prevalent feeling "that India's interests are being sacrificed to Lombard Street on the one hand and Manchester on the other." In supporting the amendment, Dr. Ghose entered a most vigorous protest against the criminal folly of the Government of India succumbing to the opposition of Manchester merchants. He said:—

I venture to think that the exclusion of the cotton-duties from the Tariff Act would be not only a cruel wrong to the people of this country, but a grave scandal as well as a financial and political blunder, to which the famous saying of Talleyrand might well be applied. We are all aware how public opinion has condemned the proposed exclusion.

He concluded by saying:—

"My Lord, I have done; but before I conclude I must say that the fair name of England for just dealing, which cannot, if I may say so, be too jealously guarded, is at stake. The spell which she has so long exercised over her subjects, a spell more potent even than the bayonet or the sword, which holds on loyal submission her vast empire 'broad based upon the people's will'—is in danger of being broken. At such a moment as this we owe it to ourselves—we owe it to the country—we owe it to the Government under which we have the happiness to live—to give timely warning. Our warnings may be unheeded—our protests may be disregarded as 'a tale of little meaning' 'chanted by an ill-used race of men'; but we shall at

least have the satisfaction of having done our duty—a most painful, but I need hardly add, under the circumstances, a most, imperative, duty.”

SPEECH ON THE FINANCIAL STATEMENT: 1894-5.

He returned to the subject when he made his speech on the Financial Statement for 1894-1895. This statement confirmed, as he said, the worst misgivings felt by the public when cotton goods were excluded from the Tariff Act. He protested against the misappropriation of the Famine Insurance Fund to the purposes of a general administration. He also touched on the iniquity of paying exchange compensation allowances when retrenchment everywhere was the order of the day.

HIS INTERPELLATIONS IN COUNCIL.

On important occasions, Dr. Ghose used the right of interpellation and always, it must be said, with good effect. Most of his questions curiously enough relate to the year 1894. One string of them, on what was over twenty years ago known as the Belladhan Murder Case (*Empress v. Sagal Semba and others*), are still remembered by many in Bengal. In that case all the prisoners were acquitted by Prinsep and Amir Ali JJ., who strongly commented on the conduct of the Police, the trying Magistrates and the Sessions Judge. Dr. Ghose pointed out the inexpediency of Government appointing inexperienced officers to positions and investing with powers involving grave responsibilities. Sir Antony MacDonnell, in replying, said that the Government of India would consider “in what manner it is

possible to obviate the employment of junior and inexperienced officers in positions of difficulty and responsibility." Another question that he put was on the interpretation of the word "object" in section 295 of the Indian Penal Code. This section says:—

Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, commits an offence.

The Punjab High Court held in (*Hakim v. Empress*, Punjab Record, 1884, No. 27) that the word "object" as used in this section is not limited to inanimate objects but is wide enough to include animate objects which are held sacred as well as idols, relics, or the like. This was dissented from in a Full Bench Case of the Allahabad High Court (reported at p. 150 of I. L. R. 10 Allahabad) which held that the word "object" does not include animate objects. In this case, the slaughtering of a cow, which is held sacred by Hindus, was held to be not an offence within the meaning of this section. Having regard to the importance of the issue raised, Dr. Ghose asked a question of the Government, which was quite characteristic of him. He wanted to know if Government would clear up the conflict of decisions by legislation. Sir Antony MacDonnell replying said that the Government had not yet decided upon the point raised by him. The Allahabad decision has been confirmed in a case in 17 Calcutta (p. 852). But, having regard to what

is stated by the Indian Law Commissioners in note J to their notes to the Penal Code, it would seem best to clear the matter up by legislation. If the Punjab Court's view cannot be maintained, it would seem to be necessary to codify its views having regard to the sacred character that is given by Hindus all over India to the cow and similar animate objects.

Other questions that he put included the subjects of increase of land assessments in Assam, Assam riots etc.

HIS INTEREST IN FEMALE EDUCATION.

Two public acts of Dr. Ghose relate to this period of his life and may be briefly touched upon here. In 1888, when his connection with the University of Calcutta was very strong, he evinced his deep interest in female education by founding a medal in his revered mother's name. On 4th December 1888, he made over to the University two Government Promissory Notes of 4 p. c. loan of 1865 to the value of Rs. 2,500 in memory of his mother Srimati Padmavati on certain conditions. One of these is that the medal is to be presented every year at the annual convocation for conferring degrees to a lady candidate for the degree of Bachelor of Arts, who being a native of Bengal is admitted to that degree, and when there are more than one so admitted, to the graduate who obtains the highest number of marks. The first to obtain the medal in 1890, was Miss Sarala Ghosal, the well-known lady-patriot of Bengal, and daughter of that sturdy Congressman Mr. Ghosal.

SUPPORTS THE AGE OF CONSENT BILL.

The other public act of his has reference to the Age of Consent Bill (known in legal terminology as the Indian Penal Code and Code of Criminal Procedure, 1882, Amendment (Bill)*)

This Bill was introduced into the Supreme Legislative Council by Sir Andrew Scoble on 9th January 1891. It raised the age of consent, both for married and unmarried women, for ten or twelve years. The Bill was² fiercely criticised in Bengal. It was opposed in Council by Sir Romesh Chunder Mitter, then member of the Viceroy's Council, among other grounds, on the one that it contravened the religious practices of Hindus in Bengal. Quoting Raghunandana, he said it was obligatory on the part of all Hindus to perform the *garbhadana* and that sometimes before the age of twelve.

The Report of the Select Committee was considered in the Council on 19th March 1891 when it was eventually passed. Sir Andrew Scoble pressed the view that the *garbhadana* ceremony was "not universally observed in Bengal or generally in other parts of India and that its observance may be postponed on various secular grounds." The President (His Excellency Lord Lansdowne) was also of the same opinion and in support quoted the opinions of several leaders of public opinion in India and amongst them referred to that of Dr. Rash Behari Ghose's. He said:—

Look at the outspoken utterances of such men as...

* Now Act X of 1891—Amendment of Section 391 of Act XLV of 1860, the Indian Penal Code.

Dr. Rash Behari Ghose, the eminent pleader, who has stated that within his knowledge, the *Garbhadana* ceremony is admittedly not observed in many respectable Hindu families and is not unfrequently more honoured in the breach than in the observance.....To them and to many more who have raised their voice in support of the measure I desire to offer a public acknowledgment of service which they have rendered.

GOVERNMENT HONOUR HIM.

The excellent work in the Supreme Legislative Council, as may be expected, was much appreciated by Government. His habitual sobriety of thought and expression, moderation of views, and winning manners won for him the regard and esteem of his colleagues in Council. He was elected, in 1893, President of the Faculty of Law of the Calcutta University, a dignity to which he was re-elected in 1895. In 1896, just at the conclusion of his work on the Council, he was made a C. I. E.

AN INTERREGNUM OF QUIET LIFE.

During the next eight years (1896 to 1904) we know of Dr. Ghose only from the Law Reports. But he utilised the opportunity he had got by passing through the Press entirely re-written editions of his old Lectures on the Law of Mortgage in India. The last edition was published in 1902. He lost his venerable old father of eighty in the next year.

Up to this time, Dr. Ghose, though he lost no opportunity in advancing the cause of his countrymen, was what may be termed an Independent in politics. He was neither a member of the Indian National Congress, nor a blind supporter

of Government. "The first thing that I have to say about myself," he said on a memorable occasion in 1904, "is that I cannot claim to be a hero of a hundred platforms or even of one, nor am I a habitual reviler of authority. I can also solemnly affirm that I have never taken any part in the debates of the Indian National Congress." In that year, Lord Curzon delivered that philippic against Indians known as the Calcutta University Convocation Address. Of the many accidental good effects that it was the cause of, one certainly was the issuing forth of our illustrious countryman from his secluded study. He opened what is really his second phase of public activities by that now classical speech on the general reactionary administration of Lord Curzon, the brilliant but tactless and ill-fated Viceroy. We do not think that any useful service would be served by quoting any passages from it here. It cannot and ought not to be retailed. This speech must be read as a whole. It is chaste, brilliant, and well-balanced in thought and word. It possesses that Attic grace and lightness that Lord Curzon's speeches so greatly lack. In the whole range of polemical literature that has cropped up in India during the past quarter of a century and more, we do not think that there is one that can come up to its simplicity, sobriety and virility. There is absolutely no rhetoric in it and its home thrusts must have rent the heart, of him who was the cause of it. The following three sentences taken from it show, as in a mirror, the limitations of Lord Curzon, limitations which must have made his Lordship

think twice before he threw the stone at a whole nation, whom he described as the dumb millions whenever the occasion required it.

The truth is, Lord Curzon believes whatever he desires and is never troubled with any misgivings. His Lordship also seems to think that he has got to use a homely phrase, a clean slate and that whatever is, is wrong. Now energy and a zeal for reform are no doubt excellent things in their way but an excess of either is not regarded as a virtue in a statesman.

The great speech was hailed with joy from one end of the country to the other, as much for its masterliness as for its open declaration that its author was not unmindful of his country's cause at the hour of need. The scholar once again had to transform himself into an active politician. But this time he was no more an independent in politics. His heart was with his people; and he was though he did not actually identify himself with them until then, from the beginning essentially a man of the people. So, by common consent, he became, at the next Calcutta Session of the Indian National Congress, the Chairman of the Reception Committee. The speech he delivered then is an eloquent survey of the Indian political field and is in every way worthy of its august author.

HIS VIEWS ABOUT THE PARTITION OF BENGAL.

It is in some respects the complement of the speech on the Curzon Regime. In that great effort of his, he warned Lord Curzon against the "ruthless dismemberment" of Bengal. But his Lordship heeded not the warning of men even like Dr. Ghose, who are not given to habitual

reviling of the powers that be. And what has been the result? The history of India during the past years is the plain answer. The Partition of Bengal was one of the political blunders that had all the elements of a crime inherent in it. Says Dr. Ghose in his serene, sober and piquant style:—

The notification of the 16th of October 1905, was the parting gift of Lord Curzon to Bengal, a Province for which he always dissembled his love. Now, I do not mean to impute unworthy motives to the author of the dismemberment of our Province but he must be a bold man who should say that the separation of East Bengal is not likely to interfere with the collective power of the Bengalees or the growth of our national spirit. He must also be a bold man who should say that it is not a menace to the ascendancy of Calcutta, the centre of political and intellectual activity in this part of the country. He must again be a bold man who should say that the Mahomedan population in the new Province may not be used as tools by artful and unscrupulous persons to keep in check the growing strength of the educated community; for religious animosities may be easily kindled among an illiterate people, though not so easily subdued. * *

We have been parted from those who are bound to us by the ties of blood, of race, of language and of country and bound, too, by the ties of common aspirations; and the wound which has been thus inflicted on us refuses to heal. The sentiments of the people have been trampled under foot by an autocratic Viceroy; and we owe it not only to ourselves but also to you, our countrymen, to give public expression to our feelings. For behind this deliberate outrage upon public sentiment and closely connected with it, there is a very much larger issue affecting the good government of the country. That issue is nothing more, nothing less than this. Is India to be governed autocratically without any regard to the sentiments and opinions of the people, who must be made to know

their proper place as an inferior subject race, or on those enlightened principles which are professed by our rulers? The question of Partition looked at from this point of view involves a trial of strength between the people and the bureaucracy, and in that trial, I am sure, we shall have not merely the good wishes but also the active support and sympathy of all our countrymen; and never, never were we in greater need of that support and sympathy than at the present moment.

HIS VIEW OF THE SWADESHI MOVEMENT.

Of the Swadeshi Movement, Dr. Ghose says in his speech :—

THE CRADLE OF NEW INDIA.

The Swadeshi movement is only a prelude to our determination to enter into the great brotherhood of the trading nations of the West, without, if possible, the eternal struggle between capital and labour, into which Japan has already been admitted. * * *

In Swadeshim you see the cradle of a new India. To speak of such a movement as disloyal is a lie and calumny. We love England with all her faults, but we love India more. If this is disloyalty, we are, I am proud to say, disloyal. But is there a single Englishman who really thinks in his heart that the material progress of the country will loosen the ties which bind us to England? On the contrary, would it not, by relieving the economical drain on India, bind the two countries closer together?

ENGLAND'S MISSION IN INDIA.

Dr. Ghose firmly believes that England has a mission to fulfil in India. He says :—

I can never believe that England will ever retrace her steps or forget her duty to India, where she came not as a conqueror; those who speak of the conquest of India by a mere handful of Englishmen cannot have read history, which does not record any authentic miracles, where she came not, I repeat, as a conquer-

ror, but as a deliverer with the ready acquiescence of the people, to 'heal and to settle,' to substitute order and good government for disorder and anarchy, to fit 'stone to stone again,' and restore that edifice which has been slowly, and painfully built up by the wisest and best of Indian sovereigns. That task has now been accomplished, white-winged peace now broods over the whole land; and it only remains for England now to fit us gradually for that autonomy which she has granted to her colonies. Then and not till then will the mission of England in India be accomplished and the glorious dream of Akbar realised—a dream which did not, I am sure, issue from the gate of ivory. Then and not till then will the bar-sinister be removed,—that badge of inferiority and subjection which must chafe and gall men who have been nourished on the glorious literature of England,—that literature which as the founder of English education in India justly boasted, had taught France the principles of liberty, and which must carry with it wherever it spreads a love of British virtues and of British freedom.

THE INDIAN NATIONAL CONGRESS.

He thus describes the Indian National Congress:—

Great but silent forces are at work which no earthly power,—I will not use the epithet which rises to my lips but merely say human cunning,—can arrest. A national life has commenced which is growing more and more vigorous every day, and this great assembly in which every Province is represented is the best answer to those who still have the hardihood to assert that India is a mere geographical expression. It is said that our country is a mere medley of races, of religions and opposing interests, and that the only tie which binds the Mahratta and the Madrasi, the Sikh and the Bengali, is that of common obedience to their rulers. But the same thing used to be said of Germany and Italy, but both have now become great and powerful nations. Whether the same good fortune awaits us is in the lap of the gods. But the men

of England, rely upon it, will never knowingly attempt to avert or delay it by even a single day.

To those who say that our aspirations are premature, my answer is the ideal is not bound by time, and that life itself would be an idle tale without meaning if we are not sustained by the hope of leaving our country better than we found it. In the words of a living English writer who calls himself a Meliorist, "without ideals there would be no hope, and without hope, neither religion, nor aspiration, nor energy, nor good work. A true ideal is no dream nor idle fantasy. It is the justification of study, and the motive of all useful endeavour."

His Excellency Lord Minto nominated Dr. Ghose to a seat on the Supreme Legislative Council. His profound knowledge of Civil Law has been utilised by Government in the revision of the Code of Civil Procedure. It is needless to point out that Dr. Ghose's work in the Select Committee is one that will long be remembered. His idea of taking this opportunity to remedy the existing disorganised state of the law relating to religious endowments in this country has a great deal to commend in it. The presence of Dr. Ghose in Council was a happy coincidence. He had spoken his mind openly in Council : once, during the debate on the financial statement for 1907-08 and again on the occasion of the passing of the Seditious Meetings Act.

HIS BUDGET SPEECH FOR 1907-08.

In his budget speech, Dr. Ghose appeals in pathetic terms on behalf of our starving countrymen.

What the country wants is a net work of schools for primary as well as secondary education, and above all

the very highest kind of technical education ; for the industrial development of the country with its vast resources, is the problem of problems of the present day. We know how difficult it is to build up an industry without protection. But to ask for protection for our nascent industries would be to cry for the moon. We cannot regulate our tariffs ; we can only suggest and implore. And this is the real secret of the strength of the Swadeshi movement. We know that the industrial supremacy of England was first established under a policy of strict protection which had such a disastrous effect on our own industries. We know, too, how Germany and the United States have prospered under a similar policy. The Government of India have expressed their sympathy with the Swadeshi movement. If they cannot show their sympathy by abolishing the excise duties on our cotton manufactures, let them show it by endowing a central polytechnic college on the model, I will not say of the institutions which have been established in the United States or in European countries, but on those which have been established in Japan.

HIS SPEECH ON THE SEDITIOUS MEETINGS BILL.

His speech on the Seditious Meetings Bill is cast on a loftier plane even, in some respects, than his speech on the Curzon regime. It is more than a closely argued protest against that obnoxious measure ; it is an indictment of the Government's policy itself and an elegant but none the less forcible, reply to Lord Morley's speech at Arbroath. Take the following passage from it for example :—

My Lord, I began by saying that this Bill is an indictment of the whole nation. If, however, it is true, and this can be the only justification of the measure, that India is growing more and more disloyal, this Bill is really an indictment of the Administration. The positions will then be reversed. The Government, and not the people, will then be put on their

defence. There is no escape from this dilemma. If there is no general disaffection, you do not want this drastic measure. The prairie cannot be set on fire in the absence of inflammable materials to fuel it. If, on the other hand, a spirit of disloyalty is really abroad it must be based on some substantial grievance which will not be redressed by coercion acts. You may stifle the complaints of the people, but beware of that dreary and ominous silence which is not peace, but the reverse of peace. Even immunity from public seditious meetings may be purchased too dearly.

Or, take this again, to which His Excellency Lord Minto himself replied when he wound the debate:—

It is said that we are intoxicated with the new wine of freedom, that Locke and Milton, Fox and Burke, Bright and Macaulay have unsettled our minds. But those who say so take no account of the Time-Spirit against which even the Olympian gods must fight in vain. I trust I am no dreamer of dreams, but I see that what is passing before us is a social and political evolution. You may guide it, but you cannot arrest it, any more than you can make to-day like yesterday. Silent and as yet half conscious forces are at work, which a wise statesman would harness to law and order by timely concessions. But a reactionary policy would only make the last state of the country worse than the first; for angry passions, which under milder measures would have died away, would stiffen into deep and lasting hatred; and the infection is sure to spread with time.

THE SURAT FIASCO.

For all these manifold services his countrymen have not been wanting in appreciation. He was elected President of the twenty-third session of the Indian National Congress at Surat in December 1907. The story of that ill-fated session is still fresh in the memory of every Indian who remembers the fiasco with feelings of humili-

ation and remorse for the thoughtless rowdyism of a handful of "impatient idealists." Dr. Ghose began modestly :—

For the position which I am occupying so unworthily is full of anxiety and was never more so than at the present juncture when heavy clouds have floated into the political sky ; and in standing before you to-day, I feel as if I was summoned to drive the chariot of the Sun ; and if I am spared the fate of Phaeton, I shall owe my good fortune only to your forbearance and indulgent kindness on which I am confident I can safely rely. I can rely, too, with confidence on your willing co-operation : for are we not all animated by one common purpose and do we not know that co-operation is the very life of concerted action which can never thrive in an atmosphere of continuous strife and difference ?

But he was mistaken ; and no more allowed to proceed with the address. The storm was overwhelming and the rest of the story needs no repeating. The undelivered address is a brilliant survey of the country's situation in all its aspects, justifies the demands of the Congress, throws out a mild challenge to Lord Morley to vindicate his conduct with reference to the deportation and the Press prosecutions and contains a masterly appeal to the extremist party. By threats, by entreaties, by satiric rebukes, he tries to win them to his side.

I confess I see no reason why we should not still be able to work in harmony. A house divided against itself cannot stand, and we must be on our guard against the deadly peril of disunion. The race may not always be to the swift nor the battle to the strong, but depend upon it, without patient discipline and self-control, without courage and determination, without a sense of loyalty, of order and of duty, our enterprise is bound to fail. The citadel of the bureaucracy

is much stronger than the walls of Jericho. Brother delegates, the night is dark and tempestuous. Let us hold together and wait in patience for the dawn, not resting till the bright morning comes, fearless in our faith and strong in our hopes. But this I am painfully compelled to say, that unless wiser counsels prevail, there is bound to be a cleavage when we must part company and the Congress left free to follow the path of constitutional agitation marked out by its founders,—the only path which promises a successful issue.

And again :

Do not, I beseech you, play the game of our enemies but be staunch to the Congress as ever and abide by the principles, and follow the chart laid down by its founders. Do you believe that we do not feel as strongly as you do the unjust disabilities under which we labour? Do you believe that we do not feel as strongly as you do our exclusion from our legitimate share in the administration of the country? Do you believe that we do not feel as strongly as you do the annual drain which is impoverishing the country? Do you believe that we do not feel as strongly as you do the burden of the military expenditure which arrests all progress and but for which the country would have been covered with a network of schools, with free primary education within the reach of the masses? Do you believe that we are not as determined as you are to work out our political emancipation?

The whole composition is scholarly and is couched in a clear, limpid style rich in classical allusions. The following passage is typical of his manner and is thoroughly characteristic of his genius.

You all know the story of the city with the three gates with their inscriptions; the first said "Be bold," the second "Be bold and ever more be bold," while the third and last inscription which the horseman read was "Be not too bold." You forget that rashness is not courage. You forget that hasty maxims drawn from the history of other nations and other times are

extremely dangerous, as the conditions are never the same, and action which produces a certain result in one country at one time may lead to a directly opposite result in another country and at another time. You forget that there is no doctrine so universal and comprehensive that you are bound to act upon it at all hazards. You forget, it may be a cynical remark, but it is perfectly true that though a martyr may be worshipped for his sufferings and his sacrifices, he is not always counted among the wisest of men and his example is more frequently admired than followed.

THE MADRAS CONGRESS.

But all this was of no avail. They persisted and tried to wreck the Congress. The Surat fiasco was over. But the moderates all the country over wished Dr. Ghose to preside again at the next session at Madras. The Madras Congress was a success. The split was certainly deplored but to reconcile the irreconcilables was a hopeless task. Instead of those mild rebukes and entreaties in which he had indulged during the previous session Dr. Ghose spoke with a freedom and boldness which was expected of him at a critical juncture.

The fears which for months haunted the minds of some of us have proved groundless. The genial predictions of our enemies so confidently made have also been falsified. For the Indian National Congress is not dead (*Loud applause*) nor has Surat been its grave. It has been more than once doomed to death but rely upon it, it bears a charmed life and is fated not to die. (*Loud applause.*) It is true a few men have left us, but the Congress is as vigorous as ever. (*Hear, hear.*) We have now closed up our ranks and though some of us clung convulsively to the hope that those who have deliberately committed political suicide would still continue to fight the good fight and keep the faith

they soon found out their mistake. There can be no reconciliation with the irreconcilable.

With all the trouble of the opposition at home and abroad Dr. Ghose never lost heart. His optimism was justified. The reform scheme came into force and he quoted with enthusiasm the words of the poet :

The clouds you so much dread
Are big with mercy and shall break
In blessings on your head.

The second address was equally comprehensive. The events of the year had crowded together and the country had a new lease of life. He touched on all the current topics with a master-hand and concluded his address with an eloquent plea for a lofty national ideal.

The wisdom of confining ourselves only to aims which are immediately capable of being realised is not true wisdom, for I believe with Lord Acton, the most philosophic of historians, that the pursuit of a remote and ideal object arrests the imagination by its splendour and captivates the reason by its simplicity, and thus calls forth energy which would not be inspired by a rational, possible end, confined to what is reasonable, practicable, and just. But we are not impracticable reformers, for we know that there is a time and season for everything and that all questions are not for all times. I repeat, we cherish no illusions. We know that the way is long and hard, we know the danger of taking even a single unwary step, but we are determined to make the road easier for those who will follow us in ever-increasing numbers. Man goes forth unto his work and to his labour until the evening. But the evening comes before his work or task is done, but others will take up the work which is left unfinished.

HIS PRACTICAL INTEREST IN TECHNICAL EDUCATION.

Dr. Ghose is not content with merely asking boons from the Government in the matter of technical education. He is thoroughly convinced that the future of India lies entirely in the development of our industrial resources. He was largely instrumental in the starting of the well-known Match Factory near Calcutta. He is a regular supporter of the Bengal Technical Institute founded by Sir T. Palit, to which he made a handsome donation of Rs. 5000. Following the splendid instance of Sir T. Palit he gave away the princely sum of ten lakhs of rupees to the Calcutta University for the promotion of scientific and technical education. It is important to observe the conditions of this munificent gift. Dr. Ghose, in his letter to the Vice-Chancellor, says that the offer is made for the *promotion of scientific and technical education amongst Indians through indigenous agency*. Four University professorships or chairs are to be established one for each of the following subjects: (a) Applied Mathematics, (b) Physics, (c) Chemistry, (d) Botany, with special reference to Agriculture. The details for the working out of his scheme are equally noteworthy: (1) The sum of ten lakhs to be invested in securities producing an income of four per cent; (2) Four University Chairs to be established; (3) The Chairs to be always filled by Indians; (4) The salary of each Professor to be six thousand rupees annually; (5) Every Professor, before appointment, should receive a special training in Europe, America and Japan and

an allowance should be paid to him ; (6) Eight studentships to be founded, each of the annual value of Rs. 900, and seven other conditions relating to the duties of the Professors, their selection and work.

He has been one of the strongest supporters of the Association for the Advancement of Scientific and Industrial Education. But he is at the same time a staunch believer in the imparting of a sound general education to our youths. His interest in the National College and the Hindu University movement is too well-known to demand special mention. To the latter he gave a donation of Rs. 5,000 and his personal interest in the cause of University Education is an asset of no inconsiderable value to the movement itself. He is a member of the Senate and of the Faculty of Law of the University of Calcutta which awarded him the well merited title of LL.D. while some time later the Government recognised his munificence by bestowing on him the distinction of a Knighthood.

ADDRESS TO KAYASTHA CONFERENCE.

In December 1910 Dr. Ghose was requested by the members of the Kayastha community to preside over their conference at Allahabad. He gave an inspiring address and exhorted them in the following words :—

To the rising generation of Kayasthas I would say. Let progress be your watch word—progress in every direction. Learn everything useful that the West can teach you. But beware of a blind imitation of occidental civilisation which, if I may venture to say so,

seems almost to be doomed if it fails to organise a new social and spiritual discipline. If India wants to take her proper place in the civilised world she must strive to live her own life and be true to her own culture and traditions. Provincial and sectional differences must cease and we must regard every part of India as our home and our native land. Communal feelings in so far as they are antagonistic to nationhood ought to have no place in the civil functions of life. You cannot elevate the Kayasthas without at the same time elevating the other castes and communities of India. Social reform is as we all know slow of foot. And you must not lose heart if our progress does not appear to you to be as rapid as you wish.

"For while the tired waves vainly breaking,
Seem here no painful inch to gain,
For back, though creeks and inlets making,
comes silent, flooding in the main".

ON GOKHALE.

Dr. Ghose had great admiration for Mr. Gokhale whose death was a stunning blow to the country. The latter had the highest respect for the learned scholar and more than once gave public expression to his esteem. Presiding over the memorial meeting at the Calcutta Town Hall on the 2nd March 1915 Dr. Ghose said of his lamented friend:—

He died like a soldier at his post, trying even in his last moments to do useful work. An ideal leader, he never gave to his own Province what was meant for the whole country and we in Bengal, in particular, should cherish his memory with affection and reverence. For he was a strenuous fighter and we shall always remember with deep gratitude the bold stand made by him against the partition of our Province. Nor shall we ever forget his touching farewell to us at the last meeting of the Imperial Council in Calcutta. This is not the place to dwell on the private

grief of his friends, the agony of personal bereavement at the loss of one whom we loved so well and with whom we have striven and worked for years. I will only say in the words of the poet :

His memory long will live alone
In all our hearts, as mournful light
That broods above the fallen sun
and dwells in heaven half the night.

PRESENTATION OF ADDRESS.

In February 1917 the Calcutta Vakils' Association very appropriately presented an address to Sir Rash Behari on the occasion of his completing fifty years' practice at the Calcutta High Court. Sir Rash Behari joined the High Court on the 5th February 1867, and has enjoyed a very lucrative practice at the bar for more than quarter of a century. It is only too well known how singularly devoted he has been to Law and how generously he has devoted his earnings to the service of Science for the benefit of the country. The occasion of the jubilee was also taken advantage of by the Calcutta University to present another address on its behalf.

NATIONAL EDUCATION.

Sir Ghose is an ardent advocate of National Education. Though he gave his princely donations to the Calcutta University he warmly supported the movement for National Education. He sent the following message to Mrs. Besant on the opening of the National Education week.

festivities at the Gokhale Hall, Madras, on April 8, 1918:—

I feel satisfied that the Government system of education does not and cannot fulfil all our needs and it is necessary to supplement it by providing technical, scientific, commercial and agricultural education which our society is seeking to do. More than that: If general education in its several stages, primary, secondary and collegiate is to achieve all that is expected of it, it ought to be carried on National lines and under National control. This is what the National council of Education has been seeking to do and this is also aimed at by the Society for the promotion of National Education.

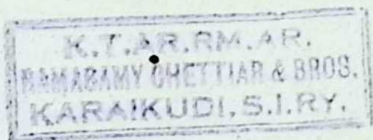
HIS SECLUDED LIFE.

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